

**Statement of Greg Moore, Executive Director  
NAACP National Voter Fund  
to the House Judiciary Committee Democratic Members  
Election Protection Hearings  
Columbus, Ohio  
December 15, 2004**

I want to thank Congressman John Conyers, Representatives Stephanie Tubbs Jones, Maxine Waters, and others gathered here today. Thank you for bringing the power and prestige of your high offices to the voting irregularity issues problems that have plagued the people of Ohio.

In just a few days after the November 7, 2000 election debacle in Florida the NAACP under the leadership of our outgoing President Kweisi Mfume convened a hearing not unlike this hearing in Miami, Florida where we heard testimony from hundreds of people who recounted stories very similar to the stores we have been hearing here for over 5 weeks. That hearing set off a wave of more community forums, rallies and court battles that became a historic six-week struggle to rescue our democracy from those who sought to stop the votes of tens of thousand of Floridian voters from being counted.

In 2002, led by the Congressional Black Caucus, the United States Congress passed the Help American Vote Act. It was designed to Address many of the concerns that were raised by all the problems we witnessed in Florida. Unfortunately it was neither funded nor implemented fully and too many states found ways to make the provisions work against the very people it was designed to protect.

The NAACP National Voter Fund joins in solidarity with CASE, the Free Press, National Voting Rights Institute, and many other groups as we seek a recount of all the votes cast on November 2, 2004 in the state of Ohio; something that never happened in Florida 4 years ago. By almost all independent accounts, had the 2000 Florida recount not been halted by the US Supreme Court in December of 2000, it would have led to the election and inauguration of Vice President Al Gore as president.

Just as there were undervotes and overvotes that were uncounted in Florida that could have determined the true outcome of the 2000 election; there are over 90,000 "spoiled" ballots in Ohio that have yet to be counted and can impact the 2004 election. There are 35,000 people who registered to vote in Ohio, but for one reason or another, were threatened to be challenged at the polls by Republican operatives on November 2, 2004. We are still researching how many of these 35,000 voters were provisional or were actually counted. We may never know the numbers of voters who were intimidated from even showing up on Election Day.

Following your hearing in Washington, I was able to view for the first time the video, “Oh My Goodness.” It is a haunting 24 minutes of revealing raw footage and testimonials from real voters in Ohio who stood in those cold wet lines. It reveals in heart wrenching detail what the voters of Columbus and Ohio had to go through just to exercise their right to vote on Election Day, November 2<sup>nd</sup>.

Those people standing in line will go down in history in the same spirit as students and civil rights leaders sitting in at lunch counters and county courthouses demanding an end to segregation in public accommodations and the right to vote for all Americans regardless of race.

The courage and determination of those voters all over Columbus to stand in line should serve as the opening volley in a rallying cry that will, with your leadership in the Congress, lead to a series of long overdue uniform standards for voting, and provisional voting at the federal and state level. This upcoming legislative battle will be fought on two fronts in Washington and here in Columbus. It is the continuation of our decades long crusade to break down the barriers to full voting rights.

The NAACP National Voter Fund in conjunction with the state and local branches of the NAACP have registered over 80,000 voters in the State of Ohio since January 1, 2004 and over 200,000 voters nationwide. We were part of a historic national effort that registered over 3 million new African American, students and other disenfranchised voters. In the closing weeks of the campaign, the NAACP NVF and our allies mobilized thousands of African American voters throughout the state of Ohio.

NVF alone hired over 600 local community activists who worked for several days to canvas their neighborhoods, knock on doors, place phone calls and drive voters to the polls. The vast majority of our workers were unemployed. It was their efforts that helped create many of the long lines that are at the center of our concerns about the poor and inequitable treatment of African Americans, students and other inner city residents of Columbus, Cleveland and other urban centers throughout the state.

**What happened here in Ohio is a microcosm of a voting rights problem all over America;** and the dedicated groups who held hearings in November, and now this hearing, has placed this issue in the forefront of the nation’s attention. There were long lines and shortages of machines reported in Florida, Nevada, Michigan, Pennsylvania and other states with large numbers of newly registered African American voters; and there have been reports of faulty and malfunctioning machines in many of these states as well.

**Our democracy is in grave danger when “we the people” relinquish to machines the power to decide who governs our nation.** We all know from our day-to-day lives that cars break down, computers break down, and even electrical systems can shut down as the people of Ohio witnessed last year. When we have machines that are recording a higher voter turnout than the total number of people who are actually registered in a

jurisdiction (as was the case in Franklin and Cuyahoga counties), *we the people* have to step in and take corrective action.

It is important that we remind the Secretary of State of Ohio that he ultimately answers to the people of Ohio who elected him and not the Republican National Committee or any campaign for president. I want to report to this committee that the NAACP National Voter Fund has attended and participated in four hearing to address these problems in Ohio, two here in Columbus and two in Cleveland. I am sorry to report that the Secretary of State did not attend a single one of the public forums, nor to my knowledge did he send any representatives or observers to participate in the hearings.

It is unconscionable that any Secretary of State would ignore the concerns of citizens of their state who have raised legitimate concerns about the problems of their electoral process. The Secretary of State of Ohio has turned a tin ear to the very issue that he was elected to address--to protect the voting rights of the people of Ohio. The NAACP National Voter Fund joins the Rev. Jesse Jackson and our allies in calling for the Secretary of State to recuse himself from the recount process in order to guarantee a free and fair recount.

We want to count all the votes, especially the votes of people who endured, and stood in the rain until they were allowed to vote. We also want to count the votes of citizens who cast provisional ballots that have been thrown away because these voters “showed up at the wrong precinct.” **A large percentage of these disenfranchised voters were denied the right to vote even though the names on the ballot for federal offices in both “right” and “wrong” precincts were identical.** In other words the ballots were the same in both precincts. I hope your hearing helps elevate this issue to provide federal remedies to these voters.

Votes cast for President of the United States, the United States Senate and in many cases the U. S. House of Representatives seat, were all uniform on these discarded ballots. Election officials *should* discount their votes for contests where the location of the precinct matters and could effect the jurisdictional representation. But votes cast for federal and congressional offices should be counted like every other vote cast. The *Right to Vote* of an American Citizen should always supercede the administrative procedures designed to establish voting localities.

**There should be no *wrong* precinct when voting for President or deciding who should represent the state of Ohio in the U.S. Senate.** This is an archaic law that is an anathema to the basic democratic principles and needs to be outlawed at both the federal and state level.

In Franklin County, Gahanna one voting machine malfunctioned by registering nearly 4,000 additional votes for President George Bush. They were placed in that machine thru either error or foul play. We do not yet know the full answer to that. We also do not

know how widespread the problem was because there has been no wholesale audit of the machines to ensure that the problem was not more widespread.

**The NAACP National Voter Fund joins in the call for the investigation of all voting machines in a federal election this close and this crucial to our nation's future.**

The NAACP National Voter Fund joins with Congressman John Conyers, the Ranking Member of the House Judiciary Committee and other members of the United States Congress in calling for an investigation by the General Accounting Office into the problems with voting machines in Florida, Ohio and other states with similar malfunctions.

We don't yet know the impact of the Republican challenge to 35,000 voters just before the election. We don't know how many thousands of potential voters were turned away from the polls. We don't know how many were intimidated from even voting fearing an altercation at the polling site.

**The NAACP and the NAACP National Voter Fund made a commitment to our voters that we would work to ensure that all votes are counted. *We are not conceding that battle until all the votes are counted.***

I urge the members of this committee to take a second look at the Help America Vote Act and find ways that we can strengthen it to ensure it is being implemented in a uniform manner in all states and within all states, particularly when it comes to provisional ballots.

My bible and Rev. Jesse Jackson has taught me that the race does not go to the swift and the strong, but for those who hold out til the end. Thanks to all of you here for continuing to hold on and for keeping the *promise of our democracy* alive.